

House Bill 862

By: Representative Neal of the 1st

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician's assistants, and others, so as to provide for the licensure of orthopedic physician assistants; to provide a short title; to provide for definitions; to provide for applications to be made to the Composite State Board of Medical Examiners; to provide for approval or disapproval of applications; to provide for authorized services which may be performed by an orthopedic physician assistant in accordance with an approved job description; to provide for supervision by a physician who practices orthopedics; to provide for requirements on supervising physicians; to provide for termination of licenses; to provide for sanctions; to provide for statutory construction; to provide for use of a title and abbreviation; to provide for rules and regulations and powers and duties of the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, physician's assistants, and others, is amended by adding a new article to read as follows:

"ARTICLE 4A

43-34-110.

This article shall be known and may be cited as the 'Orthopedic Physician Assistant Act.'

43-34-111.

As used in this article, the term:

(1) 'Board' means the Composite State Board of Medical Examiners as created by Code

Section 43-34-21.

(2) 'Job description' means a document, signed by the supervising physician and the orthopedic physician assistant and approved by the board:

(A) In which the supervising physician delegates to that orthopedic physician assistant authority to perform certain medical acts;

(B) Which describes the professional background of the supervising physician and the qualifications, including related experience, of the orthopedic physician assistant; and

(C) Which includes a general description of how the orthopedic physician assistant will be utilized in the practice.

A job description shall not be required to contain every activity the physician deems the orthopedic physician assistant qualified to perform but shall confine the activities of the orthopedic physician assistant to those in the scope of practice of the supervising physician.

(3) 'Orthopedic physician assistant' means an individual licensed pursuant to this article who renders service under the supervision of a physician who practices orthopedics.

(4) 'Physician' means a person lawfully licensed in this state to practice medicine and surgery pursuant to Article 2 of this chapter.

(5) 'Supervision' means active and continuous overview by the supervising physician to ensure that the physician's directions, orders, and advice are being implemented, but does not require the constant physical presence of the supervising physician.

43-34-112.

(a) In order to obtain licensure as an orthopedic physician assistant, an applicant shall submit an application to the board. Such application shall include:

(1) Evidence submitted by the proposed orthopedic physician assistant of his or her good moral character;

(2) Evidence of his or her competency in the area of orthopedics which, as a minimum, shall include:

(A)(i) Graduation from an orthopedic physician assistant training program approved by the board; and

(ii) Successful completion of the examination of the National Board for Certification of Orthopedic Physician Assistants or such other examination designated by the board; or

(B) Successful completion of the examination of the National Board for Certification of Orthopedic Physician Assistants and services performed as an orthopedic physician assistant in this state on June 30, 2009.

The board may require that an applicant for licensure as an orthopedic physician assistant appear before the board to answer any questions regarding the applicant's fitness for licensure;

(3) A job description meeting the requirements of paragraph (2) of Code Section 43-34-111; and

(4) A fee, established by the board; provided, however, that no fee shall be required if the orthopedic physician assistant is an employee of the state or county government.

(b) No person shall claim to be or function as an orthopedic physician assistant unless such person holds a valid orthopedic physician assistant license issued by the board pursuant to this article.

43-34-113.

(a) Within a reasonable time after receipt of the documents required by Code Section 43-34-112, the board shall give to the applicant written notice of approval or disapproval of the application; and, if approval of the application is given, the board shall issue to the assistant a license authorizing the assistant to perform medical tasks under the direction and supervision of the applying physician pursuant to an approved job description.

(b) The board shall not approve an application unless it finds from the information forwarded with the application that the proposed orthopedic physician assistant is fully qualified to perform the tasks described in the job description and will be utilized in a manner that will not endanger the health and welfare of patients upon whom he or she may perform the described medical tasks.

(c) On receipt of notice of the board's approval, an orthopedic physician assistant, under the direction of the applying physician, may perform the tasks described in the job description, provided that nothing in this Code section shall make unlawful the performance of a medical task by the orthopedic physician assistant, whether or not such task is specified in the general job description, when it is performed under the supervision of the physician.

43-34-114.

(a) An orthopedic physician assistant is authorized to perform services only under the supervision of a physician who practices orthopedics.

(b) The supervising physician shall make a personal review of historical, physical, and therapeutic data on all patients and their condition and so certify by personal signature in a timely manner.

43-34-115.

(a) An orthopedic physician assistant shall function in accordance with a job description established by the supervising physician and the orthopedic physician assistant and approved by the board.

(b) In accordance with an approved job description, with respect to follow-up care rendered in a clinic, hospital, nursing home, or patient's home, and in similar situations where a therapeutic regimen, policy, or protocol has been established by the supervising physician, the orthopedic physician assistant may check and record the patient's progress within the confines of the written regimen, policy, or protocol, and report the patient's progress and changes to the physician after each visit. When a new problem arises, the supervising physician shall undertake personal review of the patient's problem or complaint.

(c) The orthopedic physician assistant may render emergency services if authorized in the approved job description, pending the arrival of a responsible physician in cases where immediate diagnosis and treatment are necessary to avoid disability or death.

43-34-116.

A physician who is supervising one or more orthopedic physician assistants through a job description shall comply with the following practices:

(1) No one physician shall supervise more than two orthopedic physician assistants at any one time;

(2) More than one physician may supervise the same orthopedic physician assistant;

(3) The supervising physician shall designate one or more alternate orthopedic physicians who have agreed to accept the responsibility of supervising the orthopedic physician assistant on a prearranged basis in the absence of the supervising physician. The supervising physician shall designate in writing to the board such other physicians who may serve as an alternate supervising physician for each orthopedic physician assistant licensed to such primary supervising physician. The board shall have authority to approve or deny such designations in whole or in part; provided, however, that a physician may be listed as an alternate supervising physician for any number of orthopedic physician assistants so long as he or she supervises only as many orthopedic physician assistants at any one time as allowed by paragraph (1) of this subsection;

(4) The orthopedic physician assistant shall render services and care commensurate with such orthopedic assistant's education, training, and experience and in accordance with the approved job description;

(5) The orthopedic physician assistant shall not make any definitive diagnosis or prescribe any treatment program independent of the supervising physician;

(6) Pre-signed prescriptions shall not be used by the orthopedic physician assistant. Medications dispensed by the orthopedic physician assistant shall be approved by the supervising physician; and

(7) The patient of any physician receiving services from an orthopedic physician assistant shall be fully informed that the individual is an orthopedic physician assistant, a sign shall be conspicuously placed within the office of the physician indicating that certain services may be rendered by an orthopedic physician assistant, or both.

43-34-117.

(a) The approval of a physician's utilization of an orthopedic physician assistant may be terminated and the license revoked by the board when, after due notice and a hearing, in accordance with this Code section, it shall find that the assistant is incompetent or has committed unethical or immoral acts, including, but not limited to, holding himself or herself out or permitting another to represent him or her as a licensed physician; performing otherwise than at the direction of a physician approved by the board to utilize the assistant's services; habitually using intoxicants or drugs to such an extent that he or she is unable safely to perform as an assistant to the physician; or being convicted in any court, state or federal, of any felony or other criminal offense involving moral turpitude.

(b) Before the board shall give written notice to the orthopedic physician assistant of termination of approval granted by it to an assistant, it shall give the assistant a timely and reasonable written notice indicating the general nature of the charges, accusation, or complaint preferred against him or her and stating that the assistant shall be given an opportunity to be heard concerning such charges or complaints; and it shall hold a public hearing within a reasonable time. Following such hearing, the board shall determine, on the basis of its regulations, whether the approval of the assistant shall be terminated.

(c) In hearings held pursuant to this Code section, the board shall apply the rules of evidence as prescribed in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

43-34-118.

(a) Any orthopedic physician assistant rendering services inconsistent with this article shall be considered to be practicing medicine without a license and shall be subject to appropriate legal action by the board.

(b) When a physician utilizes the services of a licensed orthopedic physician assistant inconsistent with this article, it shall constitute grounds for a finding of unprofessional conduct, and the physician shall be subject to disciplinary action by the board. Such disciplinary action may include, but is not limited to, the suspension of privileges to utilize

an orthopedic physician assistant or the revocation or suspension of the license of the physician.

43-34-119.

(a) Nothing in this article shall be construed to modify or supersede any existing laws or rules pertaining to any other allied health professionals, professions, or services.

(b) Nothing in this article shall permit an orthopedic physician assistant to:

(1) Practice chiropractic or analyze or palpate the articulations of the spinal column for the purposes of giving a spinal adjustment; or

(2) Measure the powers or range of human vision, determine the refractive state of the human eye or the scope of its functions in general, prescribe or direct the use of ophthalmic lenses or prisms to remedy or relieve defects of vision or muscular anomalies, or prescribe or fit or adapt contact lenses to or for the human eye.

(c) The provisions of this article shall not apply to physician assistants, nurse practitioners, registered professional nurses, licensed practical nurses, technologists, technicians, and other assistants or employees that perform delegated services in a medical setting.

43-34-119.1.

Any person who holds a valid license from the board under this article may use the title 'orthopedic physician assistant' or the abbreviations 'OPA' or 'OPA-C,' but such person shall not use the title 'physician assistant' or the abbreviation 'PA' or 'PA-C.'

43-34-119.2.

In addition to the powers specifically delegated to it in this article, the board shall have the authority to perform all acts which are necessary, proper, or incidental to the efficient development of the category of health care established by this article. The board shall have the authority to promulgate rules and regulations governing the definitions of delegation by physicians to qualified persons other than orthopedic physician assistants of any acts, duties, or functions which are permitted by law or established by custom. Any power vested by law in the board, but not implemented by specific provisions for the exercise thereof, may be executed and carried out by the board in a reasonable manner, pursuant to such rules, regulations, and procedures as the board may adopt and subject to such limitations as may be provided by law. Rules established by the board to implement this article shall include the biennial review and approval or rejection of the qualifications of each applicant for biennial licensure renewal. The board shall condition approval for renewal on the receipt of evidence satisfactory to the board of the applicant's successful completion of 60 hours of continuing medical education approved by the board. The board

195 may, in its discretion, waive or modify the continuing medical education requirement in
196 cases of retirement, illness, disability, or other undue hardship."

197 **SECTION 2.**

198 All laws and parts of laws in conflict with this Act are repealed.